

VILLAGE OF SISTER BAY BOARD OF TRUSTEES MEETING MINUTES
TUESDAY, JANUARY 27, 2015
SISTER BAY-LIBERTY GROVE FIRE STATION – 2258 MILL ROAD

The January 27, 2015 meeting of the Village of Sister Bay Board of Trustees was called to order by Village President Dave Lienau at 6:31 P.M.

Present: Village President Dave Lienau and Trustees John Clove, Pat Duffy, Scott Baker, Shane Solomon, Nora Zacek, and Kathy Enquist.

Staff Members: Village Administrator Zeke Jackson, Utilities Manager Steve Jacobson and Finance Director Juliana Neuman.

Others: Laddie Chapman

Approval of the agenda as published:

A motion was made by Clove, seconded by Enquist that the Agenda for the January 27, 2015 meeting of the Village Board be approved as presented. Motion carried – All ayes.

Approval of minutes as published:

As to the minutes for the December 29, 2014 meeting of the Village Board:

A motion was made by Baker, seconded by Solomon that the minutes for the December 29, 2014 meeting of the Village Board be approved as presented. Motion carried – All ayes.

Comments and Correspondence

Lienau asked if anyone wished to address a non-agenda item. No one responded. Jackson noted that copies of e-mails and a letter which were received from Mark and Kathy Kunstman, John Cain, and Patricia Fonk had been included in the meeting packets. In those documents the Kunstmans, Cain and Fonk thank Village officials for seeing that fireworks were displayed in the Village on New Year's Eve. A letter of resignation which had been submitted by the Finance Director, Juliana Neuman, as well as a copy of an Incident Log for the fourth quarter of 2014 which had been received from the Door County Sheriff's Department were also included in the meeting packets. In her letter Neuman indicates that she will be retiring effective June 30, 2015. The Board members congratulated Neuman on her retirement and thanked her for her many years of service to the Village.

New Village Board Business

Item No. 1. Consider a motion to affirm the Village's ownership of the Wastewater Treatment Plant, main lift station and outfall pipe in a letter to be sent to the Town of Liberty Grove and Liberty Grove Utility District #1. In that letter Village officials will affirm:

- 1. That the Utility Committee attempted in good faith to resolve the issue of plant ownership under §12.3 of the Intergovernmental Agreement, but in the Village's opinion was not successful;**
- 2. That the Town has not presented any written information that it has an ownership stake in the plant;**
- 3. That the Village Board does not believe negotiations between the Town Board and the Village Board will resolve the plant ownership issue when the Utility Committee has not;**
- 4. That the Village wants to proceed to mediation immediately, which is consistent with**

- 1 **the letter from John Lowry dated December 19, 2014; and,**
2 **5. That the Chairperson of the Village's Utility Committee, Village President and Village**
3 **Administrator are authorized to submit the name of a person to act as Mediator to the**
4 **Town as soon as practical:**

5 In 1985 the Village began working on an upgrade to the existing lagoon system which was
6 used for treating wastewater. The DNR was providing grants to cover 50% of the project costs,
7 which were estimated to be millions of dollars. During that time there were competing plans for
8 serving the Village and the Town of Liberty Grove, but by the end of 1988, the Town agreed to
9 an Intergovernmental Agreement which clearly stated that the Village owned the plant. By
10 2008, the Town had obtained legal opinions which were based on case law, not the previously
11 mentioned documents, that they did have an ownership stake in the plant and began making
12 those assertions. Starting in 2010 staff members worked on creating a framework for the
13 negotiation of a successor Intergovernmental Agreement. The first major task was establishing a
14 spreadsheet model which put values on the plant and all of its improvements. It took most of
15 2010 for the parties to agree upon the data contained on that spreadsheet. It also took some
16 time for Village and Town officials to agree on benchmark versions of the existing agreements.

17
18 The issue of plant ownership was discussed at a number of Utility Committee meetings in 2010,
19 2011, 2012 and 2013, and was also addressed at several Village Board Meetings and almost
20 every Negotiating Committee Meeting which was conducted between February, 2011 and
21 March, 2013. The typical complaint from the Town was that they wanted to discuss ownership
22 because they didn't like the agreement from 1988 and wanted the Village to give them
23 approximately a 45% ownership stake in the plant for \$0.

24
25 Since 2013, the Utility Committee has been discussing the Town's complaint, and Village
26 officials have sent Town officials a series of letters in an attempt to resolve the issue to no avail.
27 The Village has provided all the documents it possesses which demonstrate ownership, and the
28 Town has been unable to find the "smoking gun" letter which demonstrates that they do, in
29 fact, have an ownership claim. In 2013 an Operating Agreement which specifically excluded
30 the issue of plant ownership and provided language on how to address issues like that was
31 finally agreed upon, and a copy of that portion of the agreement - §12.3, was included in the
32 meeting packets.

33
34 A meeting between Village and Town officials to discuss the ownership issue was scheduled for
35 January 7, 2015, but the Town again failed to present any information, and, instead, claimed
36 that they needed more time as their consultant was not available. The Village was prepared to
37 present its case at that meeting. There have already been numerous meetings scheduled and
38 cancelled because the Town wasn't ready. Town members did make a motion to delay action
39 on this issue until a meeting could be scheduled at some point in the future when their
40 consultant was available, but that motion failed on a 3 to 3 vote. The Village then made a
41 motion to recommend proceeding to mediation, but that motion likewise failed on a 3 to 3
42 vote.

43
44 Village officials are contending that §12.3 of the 2013 Operating Agreement was intended to be
45 an avenue for resolving the previously mentioned issue. Specifically, §12.2(b) states:

46
47 "If mediation is unsuccessful, or if a mediator has not been appointed within
48 ninety days of the date on which either party names a mediator, either party
49 may proceed to commence action in Circuit Court."
50

1 The Village Attorney was contacted and he suggested that the Chair of the Wisconsin Bar
2 Association Dispute Resolution Section, Michael Rust, be contacted. Rust is prepared to
3 recommend some mediators if that is the direction the Village Board decides to take. The
4 Village's consultant, Robert Kufrin, noted that he believes mediation must focus on whether or
5 not the Town does, in fact, have an ownership stake in the plant based on the documentation
6 from 1985 to 1990.

7
8 *A motion was made by Clove, seconded by Solomon that the Village Administrator shall see*
9 *that a letter is sent to the Town of Liberty Grove and the Liberty Grove Utility District on behalf*
10 *of the Village Board ASAP. In that letter the Village shall affirm ownership of the Wastewater*
11 *Treatment Plant, main lift station and outfall pipe, and shall also affirm:*

- 12
13 1. *That the Utility Committee attempted in good faith to resolve the issue of plant*
14 *ownership under §12.3 of the Intergovernmental Agreement, but in the Village's opinion*
15 *was not successful;*
- 16 2. *That the Town has not presented any written information that it has an ownership stake*
17 *in the plant;*
- 18 3. *That the Village Board does not believe negotiations between the Town Board and the*
19 *Village Board will resolve the plant ownership issue when the Utility Committee has not;*
- 20 4. *That the Village wants to proceed to mediation immediately, which is consistent with*
21 *the letter from John Lowry dated December 19, 2014; and,*
- 22 5. *That the Chairperson of the Village's Utility Committee, Village President and Village*
23 *Administrator are authorized to submit the name of a person to act as Mediator to the*
24 *Town as soon as practical.*

25 *Motion carried – All ayes.*

26
27 **Item No. 4. Consider a motion to amend an existing contract with Donohue and Associates in**
28 **the amount of \$17,450 for various actions associated with utilities relocation as a part of the**
29 **Bay Shore Drive Reconstruction Project:**

30 In accord with §BH of the Municipal Agreement Village officials entered into with the
31 Department of Transportation in December, the Village will be required to re-route the water
32 and wastewater lines near Gateway Park, which is the second phase of construction on the Bay
33 Shore Drive Reconstruction Project. While the State will contract for the required work, the
34 Utility still has a number of technical and financial responsibilities with respect to this portion
35 of the Bay Shore Drive Reconstruction Project and must ensure that an engineer is on-site.
36 Donohue and Associates was previously retained to provide engineering services for the Village
37 with respect to the reconstruction project, and they would be willing to do the additional work
38 for \$17,450. A draft of a document which is entitled, "Amendment No. 3 to Engineering
39 Service Agreement" was included in the meeting packets, and the Board members jointly
40 reviewed that document.

41
42 Duffy noted that it was his understanding that there were always going to be two phases to the
43 Bay Shore Drive Reconstruction Project, and questioned why the costs of engineering services
44 for the second phase weren't included in the initial cost estimate and scope of work. Lienau
45 and Solomon concurred. Jacobson and Jackson responded that there was a considerable
46 amount of unanticipated engineering work which arose during Phase I. Inclement weather was
47 also a factor. There are funds available to cover the additional expense.

48
49 *The Board members requested a detailed accounting of estimated work vs. actual in Phase I, as*
50 *well as copies of the original contract and Amendment No. 2. They also requested that a*

1 *representative of Donohue & Associates attend the next Board meeting to explain why the*
2 *additional charges will be necessary.*

3
4 *A motion was made by Lienau, seconded by Baker that Agenda Item No. 4 – Consider a motion*
5 *to amend an existing contract with Donohue and Associates in the amount of \$17,450 for*
6 *various actions associated with utilities relocation as part of the Bay Shore Drive Project, shall*
7 *be tabled until the February meeting of the Village Board. Motion carried – All ayes.*

8
9 **Item No. 2. Consider a motion to award a contract to North Road Construction/Gino J.**
10 **Gernignani, 1304 North Road, Green Bay, WI, in the amount of \$28,000 for renovation of the**
11 **Marina public restrooms:**

12 *It was necessary to let a second round of bids for the Marina Public Restroom Renovation*
13 *Project because it appeared that the costs of the project would exceed the threshold for public*
14 *bidding. The second set of bids ranged from \$28,000 to \$44,030. The Village has received a*
15 *grant in the amount of \$25,000 from the DNR for this project with a limit of up to a 50%*
16 *match. Gino Gernignani of North Road Construction from Green Bay submitted the bid of*
17 *\$28,000, and the Marina Committee has recommended that that bid be accepted. Background*
18 *checks have been done and references checked, and there do not appear to be any issues.*

19
20 *A motion was made by Clove, seconded by Baker that the Village Board accepts the*
21 *recommendation of the Marina Committee and accepts the bid of North Road Construction of*
22 *Green Bay, WI in the amount of \$28,000 for renovation of the Marina public restrooms. Motion*
23 *carried – All ayes.*

24
25 **Item No. 3. Consider a motion to award a contract to Living Labs, LLC in the amount of**
26 **\$13,900 for production of a Wayfinding Signage Master Plan and type designs:**

27 *Three firms which specialize in creation of Wayfinding Signage Master Plans were interviewed*
28 *by staff members, and two of them submitted proposals to work on the Village's Wayfinding*
29 *Signage Project. Living Labs' proposal was the most reasonably priced. Further, their employees*
30 *are already familiar with Northern Door as they are the contracted designers for the Village of*
31 *Ephraim's new streetscape. The Parks Committee has recommended that Living Labs' proposal*
32 *in the amount of \$13,900 be accepted.*

33
34 *A motion was made by Lienau, seconded by Enquist that the Village Board accepts the*
35 *recommendation of the Parks Committee and accepts the bid of Living Labs, LLC in the amount*
36 *of \$13,900 for development of a Wayfinding Signage Master Plan and type designs. Motion*
37 *carried – All ayes.*

38
39 **Item No. 5. Consider a motion to schedule Open Book and Board of Review dates for 2015:**

40 *Amy Zacharias of Action Appraisers has requested that the Village Board consider scheduling*
41 *Open Book and Board of Review dates soon.*

42
43 *A motion was made by Solomon, seconded by Baker that the Open Book session for 2015 for*
44 *the Village of Sister Bay shall be conducted from 2:30 P.M. to 4:30 P.M. on May 28, 2015, and*
45 *the Board of Review session for 2015 shall be scheduled for 5:00 P.M. on June 16, 2015.*
46 *Motion carried – All ayes.*

47
48 **Item No. 6. Consider a motion to confirm and appoint President Lienau's nomination of**
49 **qualified citizens to fill vacancies on Committees, Commissions and Board for the Village of**
50 **Sister Bay:**

Lienau stated that he did not wish to nominate anyone to serve on Village Committees, Commissions or Boards at this time.

Item No. 7. Report on County activities from the County Supervisor, Dave Lienau:

Lienau gave the following oral report:

- *The County Board met this morning.*
- *Work is ongoing on recruitment of candidates for a new Administrator and a new Finance Director.*
- *Several Unassigned Fund Balance Transfers have been approved.*
- *A three year fiber to the home project was also approved.*
- *The Board approved the expenditure of up to \$150,000 to do a study and determine the need for construction of a Human Services Building, which will also serve as an Aging and Disability Resources Center.*

Item No. 8. Review of the financial statements and consideration of a motion to approve the monthly bills:

Payment Approval Reports for the period December 30, 2014 through January 27, 2015 were included in the meeting packets, and the Board members jointly reviewed those documents. Neuman distributed copies of the Appropriations Report for January, and noted that a large portion of the \$1,401,099.66 depicted on that document is comprised of real estate tax payment receipts from the County Treasurer and required settlements to Gibraltar School, NWTC, and Door County. When the settlements are subtracted, the actual amount of money disbursed by the Village during the month will be \$241,439.16.

A motion was made by Baker, seconded by Baker that the monthly bills depicted on the reports which were included in the meeting packets totaling \$1,401,099.66 are all approved. Motion carried – All ayes.

Item No. 9. Report from the Village Administrator on various actions:

Jackson reported on the following issues:

A. Street Lighting/Line Burial:

Some issues were identified with maintaining street lighting while work is done on the Line Burial Project. Work should commence on that project next week. Hopefully WPS and the Village's Engineers will be able to come up with solutions to the issues which have been identified which will satisfy D.O.T. regulations. The street lights behind the Post Office will come down, but lights will be installed on the Post Office building. At some point the lights in Marina Park will also have to come down. Hopefully two-way traffic will be maintained in most of the downtown area while work is done on the Line Burial Project, but detours will be in effect by Husby's and the Sister Bay Bowl due to street width issues. Detours will also be in effect for a short period of time at intersections where three phase and single phase crossings will occur. Whenever detours are in effect the generic wayfinding signage which was installed last year will be utilized.

Several of the Board members indicated that they would like to see cost estimates before any final decisions are made regarding maintaining street lighting while work is done on the Line Burial and Bay Shore Drive Reconstruction Projects. They would also like to know what the D.O.T. will require.

B. Enforcement Actions:

For quite some time now a vehicle and a trailer have been abandoned at the Country Walk Shops. Jackson has sent a letter to the owner of those items, but it now appears that the Country Walk Owner's Association will be taking corrective measures.

Committee Reports:

(1) Administrative Committee:

The Administrative Committee has not met recently.

(2) Bay Shore Drive Reconstruction Oversight Ad Hoc Committee

The Bay Shore Drive Reconstruction Oversight Ad Hoc Committee has not met recently.

(3) Communication and Technology Committee

The Communication and Technology Committee has not met recently.

(4) Door County Coastal Byways Commission

No action based on the minutes which were included in the meeting packets. At the January 14th meeting website updates were discussed. Efforts will be made to lobby the Federal Highway Administration to grant national Scenic Byway designations.

(5) DCEDC

No action based on the minutes which were included in the meeting packets. At the January meeting a presentation was made regarding WEDC program opportunities.

(6) Economic Development Committee

The Economic Development Committee has not met recently.

(7) Finance Committee

No action based on the minutes which were included in the meeting packets.

A motion was made by Duffy, seconded by Lienau that the minutes for the November 18, 2014 meeting of the Finance Committee be approved as presented. Motion carried – All ayes.

(8) Fire Board and Fire District Exploratory Committee:

No action based on the Fire District Exploratory Committee minutes which were included in the meeting packets. The Fire Board has not met recently.

(9) Historical Society

The Historical Society Board of Directors will be meeting in February.

(10) Library Commission

No action based on the minutes which were included in the meeting packets. A new company has been hired to maintain the fire sprinkler system at the Library.

(11) Marina Committee and Marina Fest Committee:

There is a possibility that Marina Fest activities will be expanded so that the festival lasts for two days, and, to that end, a lumberjack competition is being considered. More information will be provided as soon as it is available.

(12) Marketing Committee:

No action based on the minutes which were included in the meeting packets. "Midwest Sunsplash", a diverse music festival, will be conducted in the Village on August 8, 2015. Hopefully the Performance Pavilion will be accessible, but if it is not, the Dog Park and the Sports Complex will be utilized. The recommendation has been made that camping be allowed at the Sports Complex during that event, and a referral has been made to the Parks Committee. Further information will be provided as soon as it becomes available.

There is a possibility that antique dealers may be invited to participate in the Village-Wide Rummage Sale.

(13) Parks

No action based on the minutes which were included in the meeting packets.

(14) Personnel Committee:

No action based on the minutes which were included in the meeting packets.

A motion was made by Duffy, seconded by Zacek that the minutes for the December 3, 2014 meeting of the Personnel Committee be approved as presented. Motion carried – All ayes.

(15) Plan Commission

No action based on the minutes which were included in the meeting packets.

(16) SBAA

No action based on the minutes which were included in the meeting packets. The 2015 budget has been approved and a Personnel Committee was created. The SBAA Board of Directors has recommended that Village officials consider installing a Village-wide WiFi system. Nate Bell of DC Broadband will be providing a written proposal to Jackson.

A copy of a financial report for the SBAA for the fourth quarter of 2014 was distributed, and the Board members jointly reviewed that document.

A motion was made by Lienau, seconded by Enquist that the quarterly financial support for the SBAA in the amount of \$12,500 shall be released ASAP. Motion carried – All ayes.

(17) Teen Center

The Teen Center Board has not met recently.

(18) Tourism Zone Commission

No action based on the minutes which were included in the meeting packets. The Commission has decided to table the Marina Room Tax issue indefinitely.

(19) Utilities – Water, Sewer, and Storm Sewer Committees

The minutes for the January 6, 2015 meeting of the Utilities and Water, Sewer and Storm Sewer Committees were included in the meeting packets.

(20) Administration/Compensation Oversight

No action based on the minutes which were included in the meeting packets.

1 *A motion was made by Lienau, seconded by Duffy that the minutes for the November 13, 2014*
2 *meeting of the Administration/Compensation Oversight Committee be approved as presented.*
3 *Motion carried – All ayes.*

4
5 **(21) Waterfront Oversight**

6 The Waterfront Oversight Committee has not met recently.

7
8 **16. Discussion regarding matters to be placed on a future agenda or referred to a committee,**
9 **official or employee:**

10 It was the consensus that the following item shall be added to the Agenda for the February
11 meeting of the Village Board:

- 12
13
 - *Consider a motion to amend an existing contract with Donohue and Associates in the*
14 *amount of \$17,450 for various actions associated with utilities relocation as part of the*
15 *Bay Shore Drive Project.*

16
17 *The Board members requested that a detailed accounting of estimated work vs. actual*
18 *for Phase I of the Bay Shore Drive Reconstruction Project, as well as copies of the original*
19 *contract and Amendment No. 2 be included in the meeting packets. They also requested*
20 *that a representative of Donohue & Associates be invited to attend the meeting to explain*
21 *why the additional charges will be necessary.*

22
23 **Adjournment:**

24 *A motion was made by Baker, seconded by Zacek to adjourn the meeting of the Board of*
25 *Trustees at 9:05 P.M. Motion carried – All ayes,*

26 Respectfully submitted,

27 

28 Janal Suppanz,
29 Assistant Administrator
30
31